IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.73748-M of 2006
Date of Decision:- 29.1.2007

Prem ....Petitioner(s)

through
Ms.Tanu Bedi, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is undergoing rigorous imprisonment for 5 years for an offence under Section 307 IPC, is aggrieved at the order dated 18.10.2006 (Annexure P-1) whereby parole for house repairs has been denied to him on the ground that his house is liveable and there will be tension in the village if he is released on parole and further, it may lead to some mishap.

Somewhat similar stand has been taken in the written statement which is filed in Court and is taken on record.

It is apparent from the impugned order itself that the petitioner's house is reportedly liveable only and, thus, may require some repairs/renovations. As far as the other reason assigned in the impugned order is concerned, the same appears to be based upon the statement of the opposite party who were likely to have a normal tendency to oppose such like prayers.

That apart, various remedial measures can be taken by the Authorities to ensure that in case the concession of parole is granted, no

untoward incident takes place. The petitioner can be asked not only to furnish his personal bonds but also of the respectables and office bearers of the Gram Panchayat. He can also be directed to report to the nearest police station at least twice a week.

In this view of the matter, it appears desirable that the petitioner's case should be reconsidered by the competent authority.

Consequently, this petition is allowed to the extent that the impugned order dated 18.10.2006 is quashed and a direction is issued to the Director General of Prisons, Haryana to reconsider the petitioner's case for release on parole for house repairs in the light of the observations made hereinabove, within a period of two months from the date of receipt of certified copy of this order.

January 29, 2007 **(SURYA KANT)**
poonam **JUDGE**